

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

AGATA IANNONE SANTAGUIDA, :
AS SURVING PARENT, AND :
AMBROSIO SANTAGUID, AS :
ADMINISTRATOR OF THE ESTATE OF :
TEODORO SANTAGUIDA, :
PATRICIA CALHOUN, :
Plaintiffs, :

v. : CIVIL ACTION No.

LEAH C. TOBIN, MD, LINDSAY :
LEPAGE, PA-C, NORTH ATLANTA :
PRIMARY CARE, PC, DHEERA :
ANANTHAKRISHNAN, MD, MPH, MS, :
DEBORAH H. WILSON, NP-C, :
ANGEL D. IGLESIAS, MD, PHD, AND :
AMARISH KAPASI, MD :
Defendants. :

NOTICE OF REMOVAL

NOW COMES the United States Attorney, as counsel of record for
defendants Dheera Ananthakrishnan, M.D., Deborah M. Wilson, NP-C, Angel D.
Iglesias, M.D., and Amarish Kapasi, M.D., seeking to remove to this Court pursuant
to 28 U.S.C. § 2679(b) the lawsuit styled *Agata Iannone Santaguida et al v. Leah C.
Tobin, MD, et al*, State Court of Dekalb County, State of Georgia, case No.
13A49738-7, and respectfully shows this court the following:

1.

Dheera Ananthakrishnan, M.D. was served with a copy of the summons and complaint on December 15, 2013. A copy of the summons and complaint are attached hereto as Exhibit A. Amarish Kapasi, M.D. was served with a copy of the complaint on December 16, 2013. Angel D. Iglesias, M.D. and Ms. Wilson, NP were served with a copy of the Complaint on December 17, 2013.

2.

This action arises out of medical care and treatment that was provided by the Defendants Dheera Ananthakrishnan, M.D., Amarish Kapasi, M.D., Angel D. Iglesias, M.D., and Ms. Wilson, NP to Teodoro Santaguida. Doctors Dheera Ananthakrishnan, Amarish Kapasi, Angel D. Iglesias, and Ms. Wilson, NP are employees of the Department of Veterans Affairs. Plaintiff claims treatment he received by Dheera Ananthakrishnan, M.D., Amarish Kapasi, M.D., Angel D. Iglesias, M.D., and Ms. Wilson, NP at the Department of Veterans Affairs, from May 2010 to December 11, 2011 breached the standard of care by prescribing certain medications to treat plaintiff.

3.

This action is one which may be removed without bond to this court pursuant

Attached hereto is a certification signed by the United States Attorney for the Northern District of Georgia, that defendants Dheera Ananthakrishnan, M.D., Amarish Kapasi, M.D., Angel D. Iglesias, M.D., and Ms. Wilson, NP to Teodoro Santaguida were acting within the scope of his federal employment at the time of the incident out of which this lawsuit arose.

WHEREFORE, defendants Dheera Ananthakrishnan, M.D., Amarish Kapasi, M.D., Angel D. Iglesias, M.D., and Ms. Wilson, NP pray that the above-styled case now pending in the State Court of DeKalb County, State of Georgia, be removed therefrom to this court and that it thereupon be deemed a tort action against the United States under the provisions of 28 U.S.C. § 1346(b) and 28 U.S.C. § 2679. A proposed order dismissing all claims against defendants Dheera Ananthakrishnan, M.D., Amarish Kapasi, M.D., Angel D. Iglesias, M.D., and Ms. Wilson, NP., is attached for the convenience of the court.

Respectfully Submitted this 9th day of January, 2014.

SALLY QUILLIAN YATES
UNITED STATES ATTORNEY

/s/ Aileen Bell Hughes
AILEEN BELL HUGHES
ASSISTANT U.S. ATTORNEY

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CERTIFICATE OF COMPLIANCE

I certify that the documents to which this certificate is attached have been prepared with one of the font and point selections approved by the Court in Local Rule 5.1B for documents prepared by computer.

/s/ Aileen Bell Hughes
AILEEN BELL HUGHES
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I certify that I have this day served the enclosed **NOTICE OF REMOVAL, PROPOSED ORDER AND CERTIFICATION** by depositing a copy thereof, postage prepaid, in the United States Mail addressed as follows:

Darren W. Penn
Jeffrey R. Harris
Stephen J. Lowry
Jed D.Manton
Kelly B. Simoneaux
400 Colony Square
1201 Peachtree Street, NE
Suite 900
Atlanta, GA 30361

This 9th day of January, 2014.

/s/ Aileen Bell Hughes
AILEEN BELL HUGHES
ASSISTANT U.S. ATTORNEY